

APPEAL NO. 040309  
FILED MARCH 17, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 22, 2004. The hearing officer determined that the appellant (claimant) reached maximum medical improvement (MMI) on October 12, 2000, with a 5% impairment rating (IR) as certified by the Texas Workers' Compensation Commission (Commission)-selected designated doctor. The claimant appealed on sufficiency of the evidence grounds, asserting that the claimant reached MMI on February 1, 2002, with a 25% IR as certified by her treating doctor. The respondent (self-insured), urges affirmance.

DECISION

Affirmed.

The claimant contends that she reached MMI on February 1, 2002, with a 25% IR as certified by her treating doctor. She further contends that the great weight of the other medical evidence is contrary to the designated doctor's certification of MMI and IR. Sections 408.122 and 408.125 of the 1989 Act provide that a report of a Commission-selected designated doctor shall have presumptive weight on the issues of MMI and IR, and the Commission shall base its determination on such report, unless the great weight of other medical evidence is to the contrary. Whether the great weight of the other medical evidence was contrary to the opinion of the designated doctor is basically a factual determination. Texas Workers' Compensation Commission Appeal No. 93459, decided July 15, 1993. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SUPERINTENDENT  
(ADDRESS)  
(CITY), TEXAS (ZIP CODE).**

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Daniel R. Barry  
Appeals Judge

CONCUR:

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Margaret L. Turner  
Appeals Judge

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Edward Vilano  
Appeals Judge